FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR.

First Appeal No. 469 of 1993
(Shri Gulam Hyder Adna & anr. Vs. Smt. Shanta Laxmanrao Hedau & ors.)

Appeal
Application No.
Writ petition

District :
of 200

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's Orders

Mr. D.N. Kukdey, Adv. For the appellants.
Mr. P.G. Anandikar, Adv. For R-1.

CORAM : Smt. Vasanti A. Naik, J.
DATE : 16th September, 2008

Heard the learned counsel for the parties.

The learned counsel for the parties do not dispute that in terms of the judgment passed by this Court on 18th July, 2006 in First Appeal No. 469/1993, the claimants i.e. the respondents to the first appeal were entitled to an amount of Rs. 2,27,500/- towards the principal sum and the interest thereon till the date the amount was actually deposited by the Insurance Company in this Court. It, however, appears that the appellant-Insurance Company had deposited an amount of Rs. 2,42,202/- in this Court. The said amount was invested in a

fixed deposit account and the respondents were withdrawing the interest thereon. It is, thus, clear that the respondents were entitled to interest only on amount of Rs. 2,27,500/-, though it appears that they have withdrawn the interest on an amount of Rs. 2,42,202/- which was placed in a fixed deposit account. The excess amount of interest which is withdrawn by the respondents would, therefore, be adjusted while permitting the appellant Insurance Company to withdraw the amount which is deposited by the appellant-Insurance Company in excess.

JUDGE

RMP